

**REMARKS**

In response to a restriction requirement mailed February 2, 2004, the Applicant elects group I (claim 1-12, 42 and 43) and species A (Figs. 2-4; claims 1-10) with traverse. New claims 42 and 43 introduce no new matter and find support throughout the specification, at page 6, lines 18-21, page 8, lines 1-5, and in original claims 28 and 30. Applicant reserves the right to pursue, in this or related applications, claims directed to any unclaimed subject matter whether originally claimed, later claimed, or not previously claimed. Applicant thanks Examiner Kaesal for his time discussing the restriction requirement on March 11, 2004.

Applicant believes the restriction requirement is improper on its face because it does not meet the requirement that search and examination of the entire application must be a serious burden on the examiner. M.P.E.P. § 803 states:

“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Examination of Groups I, IV, VI, and VII would not represent a serious burden. These groups are all directed to valves and classified in class 251. Moreover, the Patent Office has only identified two species. Even in the event of a restriction between inventions, a reasonable number of species may still be claimed in one application. (37 C.F.R. § 1.141(a) and M.P.E.P. § 806.04(a)). Applicant submits that examination of two species does not represent an unreasonable number.

Because search and examination of the Groups I, IV, VI, and VII, and species A and B, can be made without serious burden on the examiner, it would be wasteful of the time, effort, and resources of both the Applicant and the Patent Office to prosecute these claims in separate applications. Search and examination of the four groups of claims (and two species) together would be much more efficient than requiring the Patent Office and the applicants to do so separately in multiple applications.

Accordingly, Applicant requests the restriction requirement with respect to

groups I, IV, VI, and VII, and species A and B, be withdrawn and that said groups and species be examined together. Moreover, Applicant respectfully submits that claims 1-43 are in condition for allowance. The Office is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will move this case to allowance.

Applicant's attached check includes the \$110.00 amount covering the fee set forth in 37 CFR 1.17(a)(1) for a one month extension of time, and the \$36 for new claims 42 and 43. The transmittal form attached herewith permits the Director to charge any additional, necessary fees.

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Respectfully submitted,

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